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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,666	06/19/2007	Ronald Bayer	AP 10877	9963
53203 7590 05/31/2011 CONTINENTAL TEVES, INC. ONE CONTINENTAL DRIVE AUBURN HILLS, MI 48326-1581				
EXAMINER IRVIN, THOMAS W				
ART UNIT 3657		PAPER NUMBER		
MAIL DATE 05/31/2011		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/588,666

**Applicant(s)**

BAYER ET AL.

**Examiner**

THOMAS IRVIN

**Art Unit**

3657

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10, 12, 13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 12, 13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: The claim status identifier should read -- Amended --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 12, 13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hariu et al. (6,070,949) in view of Feigel et al. (6,193,328).

In Re claim 10, Hariu et al. disclose a motorcycle brake system comprising: a hydraulically operable front-wheel brake circuit (10); and a manually operable master brake cylinder (12). Hariu et al. fail to teach inlet/outlet valves.

Feigel et al. teach an anti-lock brake system comprising: a front-wheel brake circuit (EV1, AV1, VL); a manually operable master cylinder (2) with a travel sensor (5) connected to the front-wheel brake circuit and in communication with a brake fluid supply tank (4); an inlet valve (EV1); and outlet valve (AV1). Feigel et al. further teach a brake slip control operation, and monitoring the brake fluid volume to prevent exhaustion of the brake fluid volume (see col. 1, lines 39-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the brake system of Hariu et al. to include an anti-lock brake system, as taught by Feigel et al., to provide a safer brake system for the motorcycle. The examiner notes that the master brake cylinder, supply tank, travel sensor, and inlet/outlet valves are understood to form a structurally grouped front-wheel brake unit.

In Re claim 12, see ECU (6) of Feigel et al.

In Re claim 13, see col. 1, lines 39-53 of Feigel et al.

In Re claim 15, see rear-wheel circuit (30) of Hariu et al.

In Re claim 16, see fig. 1 of Feigel et al.

In Re claim 17, the ECU is an integral component of the front-wheel brake unit (see fig. 1 of Feigel et al.).

In Re claim 18, Hariu et al. disclose that the front-wheel brake unit is attached to a handlebar (42,43) and frame (40,42) of the motorcycle.

### ***Response to Arguments***

Applicant's arguments filed 31 March 2011 have been fully considered but they are not persuasive.

Applicant argues that the brake system of Hariu et al., as modified by Feigel et al., do not constitute a structurally grouped front-wheel brake unit. In response to applicant's arguments, the examiner points out that the "structurally grouped" and "unit" are broad terms, and have been interpreted to mean that the components must all be

linked to one another functionally. The examiner identifies the valves, brake cylinder, supply tank, and travel sensor, to all be fluidly connected, and therefore constitute a structurally grouped front-wheel brake unit. The examiner points out that rewording the claimed phrase to additionally recite that the brake unit is a single housing mountable to the motorcycle handlebar would more precisely define the invention, and overcome the rejection.

In response to applicant's argument that Feigel et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both references are concerned with hydraulic brake systems, and Feigel et al. teaches that an anti-lock brake system allows for a more safe operation of a motor vehicle.

In response to applicant's arguments regarding the mounting of the brake unit, the examiner points to fig. 2 of Hariu et al. which shows that the brake unit is attached to a handlebar (42,43) and frame (40,42) of the motorcycle.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS IRVIN whose telephone number is (571)270-3095. The examiner can normally be reached on M-F 10-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/  
Primary Examiner, Art Unit 3657

/Thomas Irvin/  
Examiner, Art Unit 3657